

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**DESHAWN COCROFT, #9528**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 3:06-cv-347-HTW-LRA**

**ELENOR FAYE PETERSON and  
STATE OF MISSISSIPPI**

**DEFENDANTS**

**ORDER**

The Plaintiff filed this *pro se* complaint pursuant to 42 U.S.C. § 1983. The named defendants are Elenor Faye Peterson, District Attorney for Hinds County, Mississippi; and the State of Mississippi.

In order to maintain an action pursuant to § 1983, the Plaintiff must allege that a person acting under color of state law deprived him of a right secured by the Constitution or other law of the United States. *West v. Atkins*, 487 U.S. 42, 48 (1988); *Daniel v. Ferguson*, 839 F.2d 1124 (5th Cir. 1988). The United States Supreme Court stated that a state is not a "person" within the meaning of § 1983. *Will v. Michigan Dep't of State Police*, 491 U.S. 58 (1989); *see also, Ruiz v. Price*, 2003 WL 22975509 (5th Cir. 2003). Accordingly, it is hereby,

ORDERED that the State of Mississippi is dismissed as a defendant in this case.

THIS the 4th day of September, 2007.

s/ HENRY T. WINGATE  
CHIEF UNITED STATES DISTRICT JUDGE